

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRISTY LYNN PRYOR,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:22-cv-0610-KJM-CKD (PS)

ORDER

Plaintiff, Kristy Lynn Pryor, proceeds pro se in this civil action against the Commissioner of Social Security. On September 19, 2022, defendant moved to dismiss the complaint. (ECF No. 14.) Defendant's motion was set for a hearing to take place on October 26, 2022. To date, plaintiff has not filed an opposition to the motion to dismiss, or a statement of non-opposition, and has not sought an extension of time to do so. Accordingly, the hearing set for October 26, 2022 is vacated, and, if appropriate, will be reset at a later date.

Local Rule 230(l) provides, in part: "Failure of the responding party to file an opposition or statement of non-opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." Pursuant to Local Rule 230(c), an "[o]pposition, if any, to the granting of [a] motion shall be in writing and shall be filed and served no later than fourteen (14) days after the motion was filed."

1 Plaintiff is cautioned that “[n]o party will be entitled to be heard in opposition to a motion
2 at oral arguments if written opposition to the motion has not been timely filed by that party.”
3 Local Rule 230(c). Plaintiff is also hereby notified that failure to comply with the Federal Rules
4 of Civil Procedure, Local Rules of Practice, or orders of this court could result in dismissal of this
5 action. With these admonitions in place, plaintiff will be granted an extension of time to file an
6 opposition or statement of non-opposition to the pending motion to dismiss.

7 Based on the foregoing, IT IS ORDERED:

- 8 1. The October 26, 2022 hearing on defendant’s motion to dismiss (ECF No. 14) is
9 VACATED.
- 10 2. Within 14 days from the date of this order, plaintiff shall file an opposition or
11 statement of non-opposition to defendant’s motion to dismiss; if plaintiff no longer
12 wishes to prosecute this case, then plaintiff may file a notice of voluntary dismissal
13 pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1)(a)(i), which will terminate
14 this action by operation of law.

15 Dated: October 12, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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